UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/S-3/SR.4
2 June 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 May 1994, at 3.30 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Letter dated 9 May 1994 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights (continued)

Report to the Economic and Social Council on the third special session

Closure of the session

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-12792 (E)

The meeting was called to order at 4 p.m.

LETTER DATED 9 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-3/2 and 3; E/CN.4/1994/7/Add.1)

1. Mr. WADLOW (International Fellowship of Reconciliation) identified the three most immediate needs for meeting the crisis in Rwanda: to bring support to persons uprooted and suffering within the country and on the frontiers; to encourage an immediate cease-fire and a return to the rudiments of civil order; and to encourage an end to the conflict so that new civil leadership could come to the fore.

2. His organization had also developed a six-point proposal for the reconstruction of Rwandese civil society. First, the Commission on Human Rights should appoint a special rapporteur for Rwanda, who would play a crucial role in the coordinated efforts of the United Nations for assistance to refugees, the establishment of the rule of law and the reconciliation of factions and groups. Second, the special rapporteur's mandate should include observation of the situation in the neighbouring States where tensions could grow. Third, there was a need to institutionalize long-term acceptable modes of preventing, managing and resolving conflict within the State. That required improved techniques of analysis, fact-finding based on objective information and training. One example of the lack of accurate data was the fact that, for political reasons, the 1978 national census had never been published. Fourth, development must be planned with conflict reduction and social integration in mind, as all the best-laid development plans could be destroyed by violence. Fifth, there was a need to create an enabling political environment that would guarantee human rights, the rule of law, the accountability of those who held public office and the non-violent exercise of political and social opposition. Sixth, a democratic society and the rule of law required a vital civil society based on popular participation in the process of government and development. Such a renewed civil society must be the aim in Rwanda.

3. Unfortunately, turning-points in Rwandese history had always been accompanied by violence. Ending such a cycle of violence would not be easy, but it was the task that faced everyone. The special session must set itself clear short-term and long-term goals. The Commission's record in the crisis in the former Yugoslavia should remind it that all must work together in a coordinated and constant way to make headway against the currents of death.

4. Mr. GASANA (International Federation of ACAT (Action of Christians for the Abolition of Torture)) expressed his organization's indignation at the genocide being waged against a component of the Rwandese population, the extermination of the political opposition and the total disregard for the law that had prevailed in Rwanda since the night of 6-7 April 1994. It should be emphasized that the current crimes against humanity in Rwanda were the result of impunity for those who had committed such crimes at several points in Rwanda's past, with no intervention either by the Rwandese State or the international community.

5. He had been born in Rwanda, to a Tutsi father, 46 years earlier; 32 of those years had been spent outside his native land. All the members of his extended family who had been living in Rwanda had been killed or were missing, including his older brother, a professor at the national university, who had been killed on 21 April 1994 by trainees of the Rwandese army with the blessing of the new commander of the local barracks. His brother had not been known as a member of the opposition and had even held functions in the ruling party in Rwanda, but had been killed, together with 200,000 other persons, by people whose avowed intention was the complete destruction of the ethnic group to which they belonged. International law had no other name for such a crime than genocide.

6. In the past four years, he had coordinated the activities of the Committee for the observance of Human Rights and Democracy in Rwanda, based in Brussels, a post that had enabled him to supervise several investigatory missions to Rwanda. As the reports of those missions and that of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7/Add.1) had had no effect on the decisions of the Commission, it was difficult for him to hide his scepticism after listening to so many well-meaning speeches earlier in the session.

7. What needed to be done was simple, but did the members of the Commission have the necessary political will? It must be clearly stated that the Convention on the Prevention and Punishment of the Crime of Genocide applied to the crimes against humanity being committed in Rwanda and a special rapporteur for Rwanda should be appointed and provided with a team of human rights observers and adequate means to conduct an exhaustive inquiry throughout Rwandese territory. The special rapporteur would individually identify those who had ordered and participated in the genocide and other crimes against humanity within the high command of the Rwandese armed forces, the leadership of the Mouvement révolutionnaire national pour le développement (MRND) and the Coalition pour la défense de la République (CDR), the so-called interim Government set up as a result of the crimes and every other relevant institution. The special rapporteur's report should be considered at a further special session of the Commission to be held within the next three months.

8. Survivors, refugees and displaced persons must be given assistance on a large-scale basis. Rwanda must be helped to set up domestic courts capable of trying genocide and crimes against humanity and the Security Council must establish an international ad hoc tribunal to try those responsible for the crimes if they managed to avoid the domestic courts of the States parties to the Convention.

9. Ms. TOM (Caritas Internationalis) said that the Caritas network, which comprised 125 national organizations, was currently active in Rwanda, the United Republic of Tanzania, Burundi and Zaire. At the session of its Executive Committee held in Rome from 9 to 13 May 1994, grave concern had been expressed with regard to the appalling situation in Rwanda and a statement had been issued on behalf of the Caritas network by the President and the Vice-President for Africa, of which she read out a few extracts.

10. The statement indicated that it was the responsibility and duty of the international community to stop the killing of innocent civilians in Rwanda and to provide humanitarian assistance to the victims of the conflict. Caritas called on the Rwandese Government, the soldiers and military authorities, the local militias and the Rwandese Patriotic Front (RPF) fully to respect the human rights of all Rwandese, to cease the killing of civilians and to negotiate an immediate cease-fire. It also called on the United Nations, the Organization of African Unity (OAU) and all nations of goodwill to bring every effort to bear to revive dialogue among the parties to the conflict.

11. It was essential to protect the civilian population and refugees from harm, ensure that asylum-seekers could leave the country and guarantee access for humanitarian assistance. All parties to the conflict should reaffirm their firm commitment to the Arusha agreements and diplomatic negotiations with the support of the international community, which were the essential conditions for a new mandate for the United Nations Assistance Mission to Rwanda (UNAMIR). With those conditions, humanitarian aid for immediate and longer-term needs could be organized and increased.

12. Mr. GAKUMBA (Movement against Racism and for Friendship among Peoples) said that he was an activist with the Rwandese Association for the Defence of Human Rights and had escaped the massacres occurring in his country with the help of the Swiss Overseas Cooperation Service. The massacres that had begun in Kigali had been preceded by a campaign orchestrated by the State-controlled media and a private radio station, Radio-Television Libre des Mille Collines (RTMC), controlled by the deceased President. The media had called for the assassination of those they called the enemies of the nation, i.e. persons registered as Tutsi, members of the opposition parties and former human rights prisoners accused of being RPF sympathizers. Such persons had been continually attacked and assassinated even before the massacres had begun, and pre-established lists of people designated to be killed had long been in circulation.

13. The day after the President's death, government officials had conducted radio broadcasts declaring a state of emergency and calling on the Hutu population to hunt down the so-called enemies of the nation. The radio station had continued to exacerbate the situation by calling on the people to avenge the President's death by exterminating members of the opposition, especially the Tutsi. Days of terror had ensued with the military searching neighbourhoods and killing entire families after checking their identity papers and party membership. On barricades set up by the military throughout the city, he had seen people seated with their hands tied behind their backs, waiting to be massacred, crying out for help while United Nations peace-keepers stood passively by.

14. He himself had managed to find refuge in the French embassy, which had only agreed to accept him on the guarantee of the Swiss embassy. Once inside, he had been astonished to see the leaders of the Rwandese regime and their families, including the ministers and deputies of the President's party, the President's in-laws, the director of RTMC and RTMC station staff known for their encouragement of the massacres - while he personally knew of cases where embassy employees and employees of the French Cultural Centre had been refused

help by their employer! The leaders of the regime would go out every day under military escort to take stock of the killings and return to discuss who should be killed and which neighbourhoods cleansed. The night he had spent in the French embassy had been one of the most terrible of his life.

15. If people were dying in Rwanda, it was not because of the war between the RPF and the government army. The genocide, which had been prepared long before, was occurring even in regions that had been spared by the fighting. As long as emphasis was placed on cease-fires and negotiations rather than punishing the criminals, impunity would continue to reign and the massacres would only recur.

16. Mr. ABRAM (World Jewish Congress) said that unchecked and unpunished carnage such as that taking place in Rwanda dulled the senses, paralysed effective action and encouraged future tragedies. Those terrible crimes cried out for swift and decisive punishment. Whether the criminals answered to charges under the Geneva Conventions, whether the people in de facto control of the territory should be tried and hanged as Japanese officials had been in the 1940s or whether the Security Council established an ad hoc criminal tribunal under Chapter VII of the Charter of the United Nations, those crimes must not be allowed to go unpunished. Rwanda was simply the latest case proving the necessity of a credible and enforceable international system of criminal justice.

17. Ms. NEDRY (Centre Europe-Tiers Monde) said that in recent years her organization had repeatedly denounced the deterioration of human rights in Rwanda. The appalling events that had taken place had been prepared long before and could have been avoided to a large extent. Presenting the conflict as rivalry between the ruling party and the RPF or as a tribal confrontation between the Hutu and the Tutsi was not only misleading but hypocritical. Political responsibilities for the massacres must be clearly established. At the domestic level, they were entirely attributable to the clan of the deceased President, which no doubt feared losing some of its prerogatives and privileges after the Arusha agreements. The killings had been planned in cold blood and were part of a genocide campaign precisely targeted by those in power, not against the Tutsi as such but against all the democratic opposition forces.

18. At the external level, the authorities of certain countries, and the arms dealers they often represented, had direct responsibilities in the unfolding of the tragedy, beginning with France, which had consistently supported the dictatorial Government and trained and supplied its army.

19. Her organization endorsed the proposals made, in particular the appointment of a special rapporteur and the sending of observers. In addition, urgent and effective measures should be taken to prevent any further weapons from being delivered to the country, in particular to the Rwandese governmental army, and to ensure that the perpetrators of the crimes were tried under international supervision.

20. Mr. NKUBITO (Centre Europe-Tiers Monde) said that during his judicial career he had had the opportunity to witness at first hand the treatment meted out to opponents of the regime in Rwanda and that, since he too had fallen

foul of the authorities, he could testify personally to the abuses of power and inhuman punishment. His experiences had moved him to become a human rights activist in an attempt to restore justice. His professional career and moral stance had not been to the liking of the authorities and had in fact been a constant thorn in their side. The President's party had officially accused him of being an enemy of the head of State particularly in view of his work with the international bodies examining human rights violations in Rwanda in collaboration with the International Federation of Human Rights and Africa Watch. The situation had been exacerbated when he had decided to arrest someone close to the presidential family who was misappropriating humanitarian aid. However, before the case could come to court, an attempt had been made on his life while at the same time the accused had been freed from detention. Before the assassination of the President, the RTLM had broadcast a false report stating that he had received $25 million to carry out that assassination. His complaint for slander had made him a wanted man.

21. Friends in the military had informed him that people were going to die for a fascist, regionalist ideology that they did not understand. One minister had stated just that at a meeting, only to be assassinated a few days later. The same military friends had informed him of when he and his family were due to be executed and had evacuated them; with the help of the Burundi League for the Defence of Human Rights (ITEKA) he and his family had survived.

22. Since 1990, the spectre of genocide had been hovering over Rwanda. The present crisis involved the Rwandese military massacring civilians, and the military fighting against the RPF. The genocide currently under way was a planned campaign designed to intimidate the RPF by taking Tutsi hostages and to prevent the implementation of the Arusha peace agreements providing for power-sharing. The conflict had been mounted by those holding power and privileges against opposition democrats and Tutsi who wanted change, as well as all members of civil society.

23. The Commission should take all necessary measures to ensure that those responsible for genocide and crimes against humanity were punished, for the sake of the hundreds of thousands of people who had fallen victim to the massacres and all those who had survived.

24. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that, following the appalling expulsion of violence after the tragic deaths of the Presidents of Burundi and Rwanda, ICFTU had written to the Secretary-General of the United Nations requesting him to take urgent measures to restore peace and order and to prevent the massacre of hundreds of thousands of innocent people, including women, children and elderly persons, in Rwanda.

25. The violence in Rwanda was on an unprecedented scale and the daily television pictures of thousands of corpses had provoked indignation and a sense of horror in workers throughout the world. Many of the victims had been members of ICFTU.

26. The courage and determination shown by the United Nations High Commissioner for Human Rights in visiting Rwanda to see for himself the gravity of the situation and call on those involved to end hostilities and human rights violations should be commended.

27. ICFTU condemned the Security Council's decision of 21 April 1994 to reduce the UNAMIR force in Rwanda despite the rampant violence across the country. Fortunately, on 17 May, it had authorized the deployment of up to 5,500 troops.

28. The Arusha agreement provided a firm foundation on which to restore peace and work out a durable solution to the conflict. The international community had a duty to work towards a cessation of hostilities and a renewal of the peace process.

29. An investigation needed to be launched to determine who had ordered or carried out the assassination of the Presidents of Rwanda and Burundi and the massacre of hundreds of thousands of civilians. International assistance was also urgently needed to help the displaced populations within Rwanda and those who had taken refuge in neighbouring countries such as the United Republic of Tanzania, Uganda, Burundi and Zaire.

30. ICFTU fully supported the recommendations in the report of the United Nations High Commissioner for Human Rights (E/CN.4/S-3/3), particularly with regard to the appointment of a special rapporteur and the creation of a team of human rights field officers who would act in close cooperation with UNAMIR and other United Nations agencies. United Nations efforts should be accompanied by the implementation of a vast technical assistance programme to encourage national reconciliation and reconstruction and the protection of human rights.

31. Mr. GORMLEY (OXFAM (Oxford Famine Relief Organization)) said that OXFAM had been working in Rwanda for some 30 years. Its work focused mainly on promoting the creation of a civil society based on mutual respect and understanding. The organization was concerned about the fate of 11 Rwandese colleagues and their families, as no news of them had been received for some time. Since April 1994, Rwandese working for human rights organizations and other human rights and democratic activists had been prime targets in the conflict. OXFAM was also working in neighbouring countries and planned, in the near future, to restart its work in Rwanda, where the need was greatest. It deplored the systematic violation of human rights and the slaughter of civilians and others.

32. OXFAM's recommendations to the Commission, the Security Council, Member States and the international community at large included the adoption of a resolution by the Commission which recognized that genocide was taking place in Rwanda and called upon the Security Council to take appropriate action pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide. Under that Convention, all guilty parties should be punished, whether they were constitutionally responsible rulers, public officials or private individuals.

33. Furthermore, the Security Council should establish an international tribunal, including local experts nominated by OAU, which should operate according to international standards and guarantees for fair trial and due process. In addition, the Commission should urge the Security Council to authorize the urgent dispatch of 5,500 United Nations troops to Rwanda with a mandate to provide security and support for the distribution of relief

supplies and humanitarian relief operations, and to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, not only in Kigali but also elsewhere. All United Nations troops and other personnel should at all times abide by the highest standards of international humanitarian and human rights law.

34. The Commission should further recommend the redeployment of United Nations civilian monitors, whose numbers should be substantially increased. Both UNAMIR and United Nations civilian monitors should be able to enter Rwanda overland from Burundi, Uganda and Zaire. The Commission should remind all United Nations troops, UNAMIR personnel and civilian monitors to be aware of their obligation to report any human rights violations encountered while carrying out their peace-keeping duties. The Commission should immediately appoint a special rapporteur for Rwanda (and one for Burundi to prevent the situation there from deteriorating any further). Given the large-scale population displacement both within and beyond Rwanda's borders, the Commission should urge the international community to provide additional resources to enable the Office of the United Nations High Commissioner for Refugees (UNHCR) and the specialized agencies to respond effectively to the overwhelming humanitarian needs.

35. Mr. SOBKHONA (Mauritania) welcomed the valuable visit to Rwanda by the United Nations High Commissioner for Human Rights, who had then been able to provide essential information to the Commission. His report and others from non-governmental organizations (NGOs) and the media all testified to the fact that systematic, widespread and flagrant violations of human rights and international humanitarian law were taking place in Rwanda.

36. The magnitude of the problems in Rwanda posed a threat to international peace and security, which was being addressed by the United Nations Security Council. However, the Commission also had an important role to play in encouraging efforts to end the massacres and re-establish peace in Rwanda. Any solution had to cater to the three dimensions of the problem. Firstly, at the humanitarian level, a rapid and adequate response had to be found to the needs of hundreds of thousands of displaced persons within the borders of Rwanda and of refugees in neighbouring countries. Secondly, in terms of safety, it was essential to protect innocent civilian populations from the wave of violence in Rwanda. Thirdly, at the political level, the efforts of the United Nations and OAU to find a political solution to the conflict should be intensified. However, despite the efforts of the international community, a durable solution lay in the hands of the people of Rwanda themselves, and above all their leaders. A first step in the peace process would be to impose an effective cease-fire and thus create conditions conducive to a return to the negotiating table. The Arusha peace agreement provided the most appropriate framework for a peaceful solution.

37. Tribute should be paid to the efforts undertaken by the Government of the United Republic of Tanzania, other States in the subregion, OAU, the United Nations and various NGOs, which in extremely difficult conditions were working to relieve the sufferings of the people of Rwanda.

38. Mr. Hee LEE (Republic of Korea) said that the Government of the Republic of Korea associated itself with the condemnations of the flagrant violations

of human rights in Rwanda and commended the initiatives taken by the United Nations High Commissioner for Human Rights. The High Commissioner's report (E/CN.4/S-3/3) fully described the horrors of the situation, and the Government of the Republic of Korea supported the recommendations he had made.

39. The perpetrators should be identified and punished and, for that purpose, the creation of an ad hoc international tribunal, as in the case of the former Yugoslavia, was a valid option. The human rights dimension should be included as a vital component in the peace-building process in Rwanda.

40. Mr. OMAR (Observer for Ethiopia) said that his delegation joined with others in expressing its profound indignation at the killing and massacre of innocent civilians in Rwanda. The Transitional Government of Ethiopia was deeply concerned that the hostilities between government forces and those of the RPF were causing enormous suffering to the people of Rwanda. Furthermore, there was concern over the exodus of thousands of refugees to neighbouring countries.

41. In view of the massive internal displacement of the population, the Transitional Government of Ethiopia supported the OAU resolution calling for an immediate cessation of hostilities between the two parties so that the civilian population could receive humanitarian relief and medical assistance. It also supported the decision of the United Nations Security Council to send peace-keeping forces to Rwanda and to strengthen UNAMIR, which was an essential element in restoring law and order in Rwanda, and the full implementation of the Arusha peace agreement which provided a basis for a negotiated settlement. Ethiopia was willing to contribute to the peace-keeping force. Tribute should be paid to the initiative of the Government of Canada in proposing the holding of a special session of the Commission, to the courage of the United Nations High Commissioner for Human Rights and the quality of his report (E/CN.4/S-3/3), to the valiant work being carried out by the staff of humanitarian organizations to protect and assist the victims of the violence in Rwanda, and finally to the efforts of the countries neighbouring on Rwanda.

42. Mr. DAHINDEN (Reporters without Borders-International) said that his organization, an independent body working to defend the freedom of the press throughout the world, called on the Commission to condemn the role played, since the beginning of the massacres, by Radio-Television Libre des Mille Collines (RTLM) and to demand that the authorities in Rwanda close it down immediately.

43. The RTLM had served as the propaganda arm of Hutu extremists and the militias at the outbreak of the massacres and had since continued its war of words. As a result, several hundreds of thousands of innocent civilians had been killed in the space of just several weeks. The RTLM incited hatred and violence against the Tutsi and Hutu opponents and against the supporters of the Arusha peace agreement. Many of those to have escaped the tragedy in Rwanda had put the blame for the bloodshed in Kigali firmly on the shoulders of the RTLM.

44. The RTLM was guilty of violent and provocative language such as the "cleansing of the Tutsi", the meaning of which was not difficult to guess.

Similarly, it had urged the population to avoid committing the same errors as in 1959 and 1960 when, during ethnic massacres, children had been spared. The radio station was providing inspiration for the militias, sometimes made up of 14- and 15-year-old children, who were heavily armed and in a position to decide on the right to live or die of persons who crossed their path.

45. The station had been officially launched in August 1993 and its statutes stipulated that it was to contribute to the education of the people and provide them with just, objective and varied information. The practical implications of those principles had since become clear. The RTLM was taking advantage of the freedom of the press to create an effective propaganda instrument for Hutu extremism. Of even greater concern was the fact that the station was the most important in Rwanda and provided the only source of information for the majority of the population.

46. The station's initial backers included many dignitaries of the party of the assassinated President, the MRND, members of extremist parties and ministers belonging to the present interim Government in Rwanda. The main shareholder was Félicien Kabuga, who was known for his sympathies with the Hutu extreme right. Promoters, whose names did not appear officially, included the wife of the former President and her clan which was known as the "Akazu", who had been sheltered by France since mid-April 1994. The "Akazu" had been accused by several human rights organizations of involvement in massacres prior to 1994.

47. The mentor of the RTLM was one Ferdinand Nahimana, a well-known theoretician of Hutu supremacy and the principal ideologist of Hutu extremism. He was a close collaborator of the former President and in 1982 had been personally implicated in radio broadcasts encouraging violence. Even before the bloody events of April 1994, the RTLM had been used to stir up hatred against Tutsi, opponents, Belgians and United Nations forces, whom it had encouraged the population to expel, accusing them of supplying the RPF with arms.

48. If an international tribunal were established to determine responsibility for the genocide and to judge those responsible, it should try the journalists and sponsors of the RTLM. He also urgently called for the establishment of a free radio station in Rwanda, based on local and international NGOs, to play a vital role in halting the massacres and in Rwanda's political reconstruction. Finally, he paid tribute to the NGOs and to the ICRC which had remained on the spot. He urged the international community to act rapidly so as to provide the distressed population with assistance and restore its dignity.

49. Mrs. MUJAWAMARIYA (Pax Christi) said that she and other human rights activists in Rwanda had been assimilated to the political opposition on account of their daily combat to defend human rights. She had personally been the victim of several attempts on her life, and calls for her assassination had been broadcast by the RTLM. On 7 April, she had miraculously survived an assassination attempt by members of the Presidential Guard and had witnessed the killing of over 200 people outside her home.

50. She was filled with despair by the attempts of certain Rwandese to explain the inexplicable rather than acknowledging their guilt and by the

manifest impotence of international institutions to establish order and protect the innocent, despite repeated efforts by NGOs to draw attention to the human rights situation in Rwanda. The Commission had been able neither to contain nor to prevent the disaster, and the only lesson to be drawn was the urgent need to set up machinery capable of preventing such catastrophes.

51. On grounds of dubious legality, the international community guaranteed impunity for certain government leaders whom it knew to be killers or for their accessories. She asked whether that sacrosanct legality counted for more than the tragic experience of their victims. The failure to act and the ineffectiveness or even indifference of the democracies had encouraged the killers in Rwanda to perpetrate their massacres in the open and even to justify them. In response, some members of the international community had not even expressed regret, and United Nations troops, who elsewhere protected civilians, had saved their own lives, leaving a free hand to the murderers of innocent civilians.

52. She was deeply shocked by the cynicism of some States, as illustrated by the decision of the Government of France to earmark FF 200,000 from funds for cooperation with Rwanda to accommodate the family of the former President, while babies, sick persons and the elderly were dying of hunger in Rwanda.

53. The only way to build a future in Rwanda was to ensure that justice was done and to root out impunity, the most fertile breeding ground for future killings. The armed forces were the key to the current crisis. Rather than serving dictatorships, they should exclusively serve the interests of the nation and be imbued with the highest ethical values. The only way for Rwanda's people to reconstruct the country was through tolerance and coexistence. Indignation alone was inadequate; lessons also had to be drawn. In conclusion, she expressed the earnest hope that the events in Rwanda would never again occur anywhere in the world.

54. Mr. BIHOZAGARA (Rencontre Africaine pour la Défense des Droits de l'Homme) said that, although the blood of the victims of the massacres perpetrated by the army of the Government of Rwanda and the militias was not yet dry, the assassins were cynically calling for elections, confident that their "final solution" had physically liquidated all their potential opponents.

55. The genocide perpetrated in April 1994 had been the culmination of a long process of programmed destruction of the Rwandese nation. Rather than designating ethnic groups, the terms Hutu, Tutsi and Twa in fact applied to a homogeneous population which had always inhabited the territory of Rwanda, and described socio-economic categories that had existed before colonization. It was during the colonial period that they had been elevated to racial status to favour the constitution of a Tutsi élite.

56. Independence, in July 1962, had merely reversed the "racial" order. The new leaders had adopted the racist model to legitimize their authority and had subsequently employed persecution, murder and exile as tools of government. Every citizen had been issued with an identity card indicating his ethnic group, which it was otherwise impossible to determine. Waves of massacres had

followed, corresponding to political crises and personal rivalry, without any expression of regret. Ethnic hatred was even advocated in schoolbooks, which glorified the exactions as revolutionary acts.

57. Perhaps because of Rwanda's size, the Rwandese version of nazism had never given rise to the revulsion it deserved. None the less, the only crime of its wretched victims was their "genetic" make-up, which the ideologists of local racism proclaimed to be different. The population of Rwanda had suffered under that system for 30 years while the world remained indifferent. It had lived under a racially based pseudo-democracy in which democratic ideals had been perverted and values undermined with the connivance or complicity of those who planned Africa's misfortune.

58. In October 1990 the Rwandese people had decided to take up arms. Its decision had forced the dictatorship to grant concessions and institute a multiparty system, press freedom and the right of refugees to return. However, the cost of those concessions had been high, and the regime had reacted by filling prisons and common graves. Although the Nazis had acted no differently during the Second World War, the regime's practice of taking part of the population hostage had met with understanding in some foreign spheres. He asked what moral authority could possibly be claimed by a Government that avenged its defeats on its own population.

59. Those who had followed the evolution of the Rwandese conflict over the previous three years realized that the current genocide had been carefully prepared and cold-bloodedly executed. The democratic victories dearly bought by the civilian opposition had led to large-scale massacres or the elimination of individuals under racial or ethnic pretexts. In February 1993 an international commission of inquiry had found evidence of systematic and large-scale brutality, while in his report (E/CN.4/1994/7/Add.1), Mr. Ndiaye, the Special Rapporteur on extrajudicial, summary or arbitrary executions, had been equally explicit regarding the responsibility of Rwandese officials.

60. The determined resistance of the RPF had finally led to the Arusha peace agreement of 4 August 1993, which had theoretically enshrined the reconciliation and pacification of Rwanda. The Arusha agreement had given rise to great hope among the Rwandese people. However, for the regime, it meant abandoning its privileges. The regime had responded by delaying the implementation of the agreement while carefully stirring up racial hatred in preparation for the genocide.

61. The current genocide of the Rwandese people, and essentially of its Tutsi component, had been immediately justified by the alleged anger of the Hutu following the assassination of President Habyarimana, responsibility for which had been attributed by the regime both to the RPF and to the Belgians. The regime had seized the opportunity to set up a Government composed of the most extreme elements.

62. All those abroad who wished to legitimize the regime's barbarity would count among the accomplices of the crimes committed against the Rwandese people. Responsibility for the genocide under way in areas of Rwanda under government control lay with those who hid behind the smoke-screen of a so-called "tribal war" in order to diminish their responsibility for an

allegedly collective crime. No single component of the Rwandese people was responsible for the genocide; it had been committed by a clearly identified group of criminals which had planned its crimes and carried them out with heinous determination. Although it was not possible to bring back the dead, he appealed to the Commission to help to prevent the criminals and their accomplices from hiding.

63. Mr. MARLAND (France), speaking in exercise of the right of reply, said that the French Embassy had given refuge to and evacuated those who had turned to it, approximately 200 persons in all, without distinction on political or other grounds.

The meeting was suspended at 6.40 p.m. and resumed at 8.40 p.m.

64. Mr. SOB (Cameroon), introducing draft resolution E/CN.4/S-3/L.2, said that the 69 original sponsors had been joined by Albania, Cameroon, the Philippines, Slovenia and Ukraine. The draft resolution attempted to address the concerns expressed over the situation in Rwanda at the Commission's special session and incorporated the relevant aspects of Security Council resolution 918 (1994), the report of the Secretary-General (S/1994/565) and the report of the United Nations High Commissioner for Human Rights (E/CN.4/S-3/3). The sponsors had also drawn on previous resolutions of the Commission on the same issue. Despite the lack of time, the draft resolution had been the subject of intensive consultations among delegations, many of which should be thanked for not insisting on their objections in the interests of consensus.

65. Mr. LEBAKINE (Secretariat) said that Guatemala and Nicaragua should be added to the list of sponsors.

66. Mr. STRATTON (Observer for Rwanda) expressed his Government's appreciation of the diligent attempts by the international community to put an end to the tragedy besetting Rwanda since October 1990.

67. However, his Government had serious reservations about the preambular paragraph of the draft resolution criticizing the failure of the Rwandese authorities to condemn the ongoing massacres in the country. It was also concerned over operative paragraphs 6 and 7. It was unjustified to reproach the authorities without having failed to stop the ongoing massacres in the country, as the new Government's first concern after its Constitution, on 9 April 1994, had been to end the massacres. Operative paragraph 7 was indulgent to the RPF, as it merely called upon it to prevent persons under its command from committing human rights abuses and violations of international humanitarian law, and contained no condemnation of the violations which the RPF had already committed.

68. Mr. PEREZ NOVOA (Cuba) said that his Government was deeply concerned by the tragic events in Rwanda and agreed with the statement made by the representative of Zambia, on behalf of the African Group, that the essential requirements to end the conflict were a cease-fire, dialogue and negotiation between all the parties, full support for the important role of the OAU and full implementation of the Arusha peace agreement. It also believed that the

people of Rwanda themselves had to find a solution to the conflict; otherwise the hostilities would continue, as in other conflicts addressed by the Commission meeting in special session.

69. Draft resolution E/CN.4/S-3/L.2 posed a dilemma. The Commission could not fail to act in such a serious situation, which affected the rights and survival of thousands of human beings, but adopting the text meant agreeing to concepts that some countries, taking advantage of extreme situations, were attempting to impose and that his country had systematically opposed in all forums. The proposed linkage with the Security Council was totally unacceptable, as was the introduction of concepts related to preventive diplomacy and the possible establishment of an international tribunal. It was senseless, moreover, to apply the same remedies to different illnesses, particularly when they had already failed in previous cases.

70. Considering the gravity of the situation and the views of the countries of the region, Cuba would not stand in the way of adoption of the draft resolution. However, had a vote been called for, his delegation would have voted against the ninth, nineteenth, twentieth and twenty-first preambular paragraphs and operative paragraphs 11, 23 and 24, as well as the reference to the Security Council at the end of operative paragraph 20.

71. Mr. LEBAKINE (Secretariat) said that the preliminary estimates at full cost of the requirements related to the implementation of the activities envisaged under the draft resolution amounted to approximately US$ 1,050,000 for the period from June to end December 1994 and US$ 240,000 for the first two months of 1995. Practical and other arrangements regarding the actual implementation of the draft resolution would be worked out shortly.

72. A statement concerning the administrative and programme budget implications of the proposals contained in the draft resolution would be submitted to the Economic and Social Council at its next session in the context of the Council's review of the report of the Commission on its 1994 sessions. In the intervening period, since the draft resolution contemplated the immediate appointment of a special rapporteur and requested the rapporteur to provide a report within four weeks of the adoption of the draft resolution, it was the intention of the Secretary-General to seek the concurrence of the Advisory Committee on Administrative and Budgetary Questions for entering into financial commitments based on actual needs related to the immediate resource requirements, under the procedure pertaining to unforeseen and extraordinary expenses, pending the appropriation of additional funds by the General Assembly towards the end of the year.

73. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/S-3/L.2 without a vote.

74. It was so decided.

75. The CHAIRMAN invited members of the Commission wishing to do so to explain their positions following the adoption of the draft resolution.

76. Mr. GANAPATHY (Malaysia) said that his country fully sympathized with the suffering of the people of Rwanda and had supported the convening of the

special session, which was a testimony to international solidarity with that people and an expression of the Commission's determination to promote and protect human rights wherever they might be threatened. Its resolution would have ramifications beyond the borders of Rwanda and the continent of Africa, and must be founded upon consensus.

77. Although there were valid exhortations in the text of the resolution, his delegation would have liked the Commission to act within its own mandate and not become a distant echo of the Security Council, which had not always acquitted itself with credit in the area of conflict resolution. The session, moreover, had hardly been called to break dangerous new ground through standard-setting or by establishing precedents. The suffering masses of Rwanda were not looking for standards or precedents; they needed humanitarian relief - food and medicine, as well as action to guarantee the right to life.

78. His delegation had endeavoured to contribute to a broad consensus, but the drafting exercise had proved much more contentious than anticipated and some of the issues remained unresolved. His delegation had reservations particularly with regard to operative paragraphs 20, 23 and 24, but felt that it would serve no purpose to prolong the debate. Of immediate importance were the operational aspects of international efforts to stop the carnage and improve the situation on the ground through the coordination of international relief efforts. Although the resolution lacked focus in that regard, his delegation was willing to go along with the consensus. However, it would like its reservations to be placed on record.

79. Mr. ALAEE (Islamic Republic of Iran) said that his delegation would have liked to co-sponsor the draft text but had been unable to do so because of the wording of operative paragraph 11. It did not believe that it was appropriate for the Commission to welcome such action by the Security Council, at least at the current stage, but had not insisted on the amendment of that and other paragraphs, as the African Group had supported the resolution by consensus.

80. Mr. KHOURY (Syrian Arab Republic) said that his delegation always supported draft resolutions submitted by the African Group reflecting the concerns of the peoples of that continent. It would therefore have liked to join the co-sponsors of the resolution just adopted, and in that context had explained its viewpoint in the informal consultations regarding the independent role of the Commission vis-à-vis the Security Council in addressing human rights issues, as well as its position of principle on the deployment of a team of human rights field officers and also the need to secure the agreement of the State or parties concerned. It hoped that the international community would cooperate to bring an immediate end to the hostilities, allowing for national reconciliation and the restoration of peace and security in Rwanda.

81. Mr. GOONETILLEKE (Sri Lanka) said that his country had supported the convening of the special session in view of the tragic developments in Rwanda and had wished to be guided by the consultations conducted by the African Group in the joint endeavour to address the situation in Rwanda. While joining the consensus in solidarity with the people of Rwanda, his delegation had regrettably not been able to co-sponsor the draft resolution on account of its shortcomings on three main issues: humanitarian assistance, a cease-fire

or cessation of hostilities, and the recommencement of political negotiations through the Arusha process. No appeal had been made for the international community to increase its humanitarian assistance to Rwanda, the appropriateness of appointing a special rapporteur to carry out the functions described in operative paragraph 18 was open to question, and in paragraph 23 he would have preferred to replace the wording "a team of human rights field officers" by the words "competent staff". Notwithstanding those shortcomings, his delegation sincerely hoped that the Commission's action would help to bring some measure of relief to the people of Rwanda.

82. The CHAIRMAN announced that the Commission had concluded its consideration of agenda item 3.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE THIRD SPECIAL SESSION (agenda item 4) (E/CN.4/S-3/L.1)

83. Mr. NGOUBEYOU (Cameroon), Rapporteur, said that the draft report of the third special session (E/CN.4/S-3/L.1) was for the time being incomplete. The finalized report, containing the resolution just adopted and a procedural summary, would be issued shortly after the end of the session.

CLOSURE OF THE SESSION

84. The CHAIRMAN said that he had been impressed by the way in which the Commission had conducted its work over the previous two days. It had given a very strong signal to those who committed human rights violations in Rwanda that the international community would not tolerate such horrendous acts. Furthermore, the Commission's message went beyond the borders of Rwanda, indicating that if necessary massive human rights violations would be addressed by the Commission meeting in special session.

85. He wished to commend Canada for calling the special session, as well as the delegations of Cameroon and Nigeria, for their important role in drafting the resolution just adopted. He would also like to commend once again the United Nations High Commissioner for Human Rights for his report on the situation in Rwanda and the initiatives he had taken in that regard. Lastly, he wished to express his gratitude to the Secretariat staff for their contribution to the successful outcome of the session.

86. He had decided to appoint Mr. René Degni Segui as special rapporteur for the situation of human rights in Rwanda. Mr. Segui was dean of the law faculty at the University of Abidjan, Côte d'Ivoire, had extensive experience in law and was widely regarded as an expert in the field of human rights, both in government circles and in the NGO community. He was confident that Mr. Segui was the right man to produce a thorough report on the situation in Rwanda, availing himself of the services of the thematic rapporteurs in order that all aspects of human rights violations in Rwanda would be adequately covered.

87. He declared the third special session of the Commission closed.

The meeting rose at 9.20 p.m.